

128812

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Return Address:

Skamania County  
Clerk to the Board  
of County Commissioners

FILED FOR RECORD  
SKAMANIA CO, WASH  
BY *Skamania County*

JUL 30 4 27 PM '97

*O. Olson*  
AUDITOR  
GARY M. OLSON

Please Print or Type Information.

Document Title(s) or transactions contained therein:	
1. Resolution No. 1997-41 2. Road Vacation/Lakeview Road 3. 4.	
GRANTOR(S) (Last name, first, then first name and initials)	
1. Skamania County 2. 3. 4. <input type="checkbox"/> Additional Names on page _____ of document.	
GRANTEE(S) (Last name, first, then first name and initials)	
1. Lakeview Road 2. 3. 4. <input type="checkbox"/> Additional Names on page _____ of document.	
LEGAL DESCRIPTION (Abbreviate IE, Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)	
NW4 SE4 Section 3, Township 3 North, Range 10 East <input type="checkbox"/> Complete <sup>Map</sup> <del>Legal</del> on page 6 of document.	
REFERENCE NUMBER(S) Of Documents assigned or released:	
Vol <u>167</u> Pg <u>688</u> AF <u>128813</u> 7/30/97 <input type="checkbox"/> Additional numbers on page _____ of document.	
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER	
<input type="checkbox"/> Property Tax Parcel ID is not yet assigned. <input type="checkbox"/> Additional parcel #'s on page _____ of document.	
The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.	

Gary H. Martin, Skamania County Assessor  
Date 7/30/97 Parcel # 3-10-3-300

RESOLUTION NO. 1997-41

(Road Vacation)

WHEREAS, Skamania County owns and maintains a county road commonly known as Lakeview Road (No. 32510); and

WHEREAS, on or about February 24, 1997, the Board of County Commissioners directed the County Engineer to investigate and report on vacating a portion of Lakeview Road from Mile Post 1.40 to Mile Post 1.75 (end of road); and

WHEREAS, the County Engineer reported that this road is no longer useful as part of the County road system and recommended that it be vacated; and

WHEREAS, on May 29, 1997, the Board of County Commissioners conducted a hearing and considered the Engineer's report along with the testimony of citizens attending that hearing, and made the following determinations:

1. The portion of Lakeview Road from Mile Post 1.40 to Mile Post 1.75 (end of road) is no longer useful as part of the County road system;
2. Vacating this portion of Lakeview Road would best benefit the public;
3. This portion of Lakeview Road abuts Northwestern Lake as it presently exists;
4. RCW 36.87.130 prohibits the County from vacating a road which abuts a body of water unless the vacation is for

the purpose to provide recreational or other public opportunities; and

5. PacifiCorp owns the underlying and adjoining property and has agreed to grant Skamania County and its citizens a 15 foot wide public recreational pedestrian trail over and along the existing Lakeview Road, in a document substantially similar to the Pedestrian Easement attached to and incorporated herein as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED by the Skamania County Board of Commissioners that pursuant to RCW 36.87.060 and RCW 36.87.130, that portion of Lakeview Road between Mile Post 1.40 and Mile Post 1.75 (end of road) is hereby vacated upon the expressed condition that the underlying and adjoining landowner, PacifiCorp, grants to Skamania County and the citizens of Skamania County, a public recreational pedestrian trail in a form substantially similar to the attached Exhibit "A."

BE IT FURTHER RESOLVED that said vacation will not be effective until the above-mentioned Pedestrian Easement is executed between the parties and filed with the Skamania County Auditor.

PASSED IN REGULAR SESSION this 5 day of JUNE, 1997.

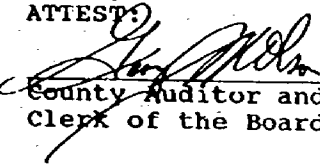
BOARD OF COUNTY COMMISSIONERS  
SKAMANIA COUNTY, WASHINGTON

Judy A. Carter  
Chairperson

Commissioner  
Robert E. McKee  
Commissioner

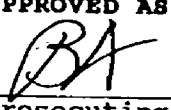
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ATTEST:

  
County Auditor and Ex-Officio  
Clerk of the Board



APPROVED AS TO FORM ONLY:

  
Prosecuting Attorney

For	<u>2</u>
Against	<u>0</u>
Abstain	<u>0</u>
Absent	<u>1</u>

(bwas.862)

Road Vacation Res. No. 41  
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DRAFT

### PEDESTRIAN EASEMENT

PACIFICORP, an Oregon corporation (GRANTOR), hereby grants to SKAMANIA COUNTY (GRANTEE), subject to existing and valid rights of record, a nonexclusive easement and right-of-way for a public recreational pedestrian trail over, along and across the road as it exists on May 29, 1997 located on the following described real property situated in Skamania County, State of Washington:

A strip of land fifteen (15) feet in width traversing the Northwest Quarter of the Southeast Quarter of Section 3, Township 3 North, Range 10 West, Willamette Meridian, Skamania County, Washington as shown on the map marked Exhibit "A" attached hereto and by this reference made a part hereof.

RESERVING TO GRANTOR, and to its successors and assigns, the right to use said access in connection with its operation as a public utility, and the right to cross and recross existing road with overhead or underground electric power, water or communication lines; provided that such reserved rights shall be exercised so as not to unreasonably interfere with the use of said trail by the public; and

SUBJECT TO THE following terms and conditions:

1. Grantee assumes all risk in connection with its use of this access and, to the extent permitted by applicable statute, shall indemnify and hold harmless PacificCorp, its directors, officers, employees and leases, against and from any and all claims, suits, costs, demands, damages, loss, liability or expense, including attorneys' fees for injury to or death of any and all persons or damage to any and all property including fire damage and costs of fire suppression, caused by or in any way related to Grantee's use or occupancy of said site; provided Grantor is not at fault.
2. The failure of Grantor to enforce any provision of this easement or the waiver thereof in any instance shall not be construed as a general waiver or relinquishment on its part of any such provision, but the same shall nevertheless be and remain in full force and effect.
3. Grantor and/or its successors or assigns shall generally maintain and repair said trail.
4. Grantee agrees to cooperate by posting signs providing general law enforcement services as provided in other public areas of Skamania County, prevent the disposal of refuse, illegal overnight camping or the use of illegal campfires on the site.
5. This Pedestrian Easement may be subject to the regulatory jurisdiction of the Federal Energy Regulatory Commission, which may enter orders or otherwise take action that may affect PacificCorp's obligations regarding PacificCorp's lake front property. Any change in PacificCorp's obligations may affect the rights of the parties under this Pedestrian Easement. Notwithstanding for foregoing, PacificCorp shall do all in its power to assure that the Federal Energy Regulatory Commission allows and continues to allow the full implementation of this Pedestrian Easement.

EXHIBIT "A"

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6. If cultural resource are discovered or disturbed as a result of Grantee's activities on the site and Grantee is aware of this disturbance, Grantee shall immediately notify Grantor, and cooperate with the Grantor to protect said cultural resources.

7. In the event that the location of said access, or any part hereof, shall interfere with Grantor's use and development of its real property, Grantor reserves the right to relocate and provide alternate right-of-way on its adjacent real property if available, provided this alternate right-of-way provides the same recreational opportunities and access to the water as the existing trail.

8. Grantee shall not assign or otherwise transfer this easement without the prior written consent of Grantor.

9. All such rights hereunder shall terminate if and when the use of said pedestrian access shall have been formally vacated by Skamania County, or in the event that Northwestern Lake, as part of the Condit Hydroelectric Project, ceases to exist due to the discontinued operation of the Project. Grantee shall thereupon demand, quitclaim to Grantor its rights and the rights of the public hereunder.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

PACIFICORP

By \_\_\_\_\_  
Asst. Vice President

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

SKAMANIA COUNTY  
BOARD OF COMMISSIONERS

ATTEST:

Chairperson

County Auditor and Ex-Officio  
Clerk of the Board

Commissioner

APPROVED AS TO FORM ONLY:

Commissioner

Skamania County Prosecuting  
Attorney

